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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/736,111 | 12/13/2000 | Harri Pekonen | 915.381 | 3667 |
| 4955 | 7590 | 12/16/2004 | EXAMINER | |
| WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468 | | | PIZARRO, RICARDO M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2661 | |

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|---|
| Office Action Summary | Application No. 09/736,111 | Applicant(s) PEKONEN, HARRI | |
| | Examiner Ricardo Pizarro | Art Unit 2661 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 1-4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u> </u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u> </u> | 6) <input type="checkbox"/> Other: <u> </u> |

DETAILED ACTION

Claim Objections

1. Claims 1-10 are objected to because of the following informalities :

In claim 1 line 4 insert " a first " before -knowledge, in line 6 insert " a second" before - knowledge-, in line 11 delete the first occurrence of "the".

In claim 2 line 2 and line 3 replace " a remainder" with -said remainder-.

In claim 3 line 1 delete "the" , in line 2 delete the second occurrence of "the",. In claim 4 line 3 delete the first occurrence of "the", in line 5 replace " an uplink" with -said uplink-, in line 6 replace "the shifted " with -a shifted-.

In claim line 4 replace "the time " with -a time, in line 8 replace "the result" with -a result-.

In claim 7 line 2 delete both occurrences of "the". In claim 9 line 2 delete "the", in line 5 delete "the".

In claim 10 line 10 delete both occurrences of "the", in line 13 replace "the result" with - a result- and replace " , " with - ; - , insert "and" at the end of the line.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loukianov.

US patent No.6,580, 730 (Loukianov) discloses a Versatile slot assignment unit, comprising a device for triggering an uplink transmission in a cable modem, comprising: means for receiving a number of time indicators received in a downlink direction (the head end generates frames containign slot marks received at the unit 320 in Fig. 3), time indicator indicator means for generating a time base which has an indication of to the time base provided by the received time indicators (local time base generator 325 in Fig. 3) , a slot counter coupled to said time indicator means so as to synchronize itself to said time base (local slot counter 330 in Fig. 3) , and triggering signal generating means coupled to said slot counter for generating an uplink transmission triggering signal from the result given by said slot counter (the slot descriptor decoder 340 interprets the slot descriptor and performs the function which is assigned, typically by the headend, for this time slot. For example, the function assigned may be to trigger transmission , col 6 lines 65-67), as in claim 5.

Loukianov did not specifically disclose synchronization to the shifted base time, as in claim 5.

However Loukianov disclose the adjustment of slot positions for each client to compensate for the delay in the medium , this being determined by the ranging procedure (col 5 lines 38-43).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that said adjustment/compensation performed by Loukianov would have been capable of synchronizing to the shifted time base with the motivation of obtaining a controller device which can perform time critical tasks without an on board processor and accommodate the changing specifications in the protocol without modification of the hardware.

4. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loukianov in view of the admitted prior art.

Loukianov did not specifically disclose time indicator offset counting means as in claim 6;

Admitted prior art (Fig. 1) discloses aspects of the timing of the uplink transmission comprising a defined maximum rang of the offset indicators is shorter that time intervals between indicators (page three of the spec, lines 14-25), as in claim 6.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the time indicator offset means as disclosed in th eprior art to the system disclosed by Loukianov with the motivation of obtaining a system that can synchronize and efficiently adjust their upstream transmission timing in order to accurately schedule upstream transmissions.

Allowable Subject Matter

5. Claim 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations

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of the base claim and any intervening claim. Pls. Also notice objection to claim under 37 CFR 1.75.

6. Claims 1- 4 and 10 would be allowable if rewritten to overcome the objection to claims under 37 CFR 1.75.

Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

November 30, 2004

Ricardo M. Pizarro



KENNETH VANDERPUYE
PRIMARY EXAMINER